

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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FLOOR DEBATE

April 30, 2001 LB 435, 542, 543, 849
 LR 70

delivered to the Secretary of State. Resolution offered by Senator Aguilar, LR 70, proposing an interim study. Amendments to be printed to LB 542 by Senator Coordsen; LB 849 by Senator Connealy; LB 543 by Senator Chambers. That's all that I have. (Legislative Journal pages 1727-1730.)

SPEAKER KRISTENSEN: Thank you, Mr. Clerk. We next move to General File 2001 Speaker priority bills, LB 435.

ASSISTANT CLERK: Mr. President, LB 435 was offered by the Ag Committee. (Read title.) The bill was read for the first time on January 9, referred to the Committee on Agriculture. That committee reports the bill to General File with committee amendments attached. (AM0524, Legislative Journal page 737.)

SPEAKER KRISTENSEN: Chair of the committee, Senator Dierks, you're recognized to open on the bill.

SENATOR DIERKS: Thank you, Mr. Speaker. Members of the Legislature, LB 435 adopts the Ag Suppliers Lease Protection Act. As introduced, LB 435 is substantially similar to LB 1438, which advanced to General File last session but which failed for lack of time. The committee amendments do substantially rewrite the bill and together with an amendment to the committee amendments, which I will offer later, represent a compromise that has been worked out among interested groups in this matter. The bill establishes a mechanism for resolution of lease disputes between agricultural tenants as defined and railroads or their successors in interest. I would like to walk you through the provisions of the bill. First, the bill declares a legislative finding with respect to the unique circumstances of elevators and agricultural suppliers located upon land owned by a railroad or its successor in interest. The bill finds that there is a public interest in such agribusinesses maintaining reasonable access to rail service under reasonable terms. Because of that interest, the bill establishes a mechanism for the resolution of controversies among lease disputes between railroads and ag tenants. In the event negotiation between the parties fail, either party would be able to file a complaint with the Department of Agriculture. The department would be authorized then to determine the matters in controversy and